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Attorneys for Plaintiff
Stephen J. Schultz

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN J. SCHULTZ,)	Case No.: 2:19-cv-00096-BNW
Plaintiff,)	STIPULATION AND {PROPOSED}
vs.)	ORDER FOR THE AWARD AND
ANDREW SAUL,)	PAYMENT OF ATTORNEY FEES
Commissioner of Social Security,)	AND EXPENSES PURSUANT TO
Defendant.)	THE EQUAL ACCESS TO JUSTICE
)	ACT, 28 U.S.C. § 2412(d) AND
)	COSTS PURSUANT TO 28 U.S.C. §
)	1920

TO THE HONORABLE BRENDA WEKSLER, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Stephen J. Schultz
be awarded attorney fees and expenses in the amount of two thousand three

1 hundred dollars (\$2,300.00) under the Equal Access to Justice Act (EAJA), 28
2 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents
3 compensation for all legal services rendered on behalf of Plaintiff by counsel in
4 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

5 After the Court issues an order for EAJA fees to Stephen J. Schultz, the
6 government will consider the matter of Stephen J. Schultz's assignment of EAJA
7 fees to Cyrus Safa. The retainer agreement containing the assignment is attached
8 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
9 to honor the assignment will depend on whether the fees are subject to any offset
10 allowed under the United States Department of the Treasury's Offset Program.
11 After the order for EAJA fees is entered, the government will determine whether
12 they are subject to any offset.

13 Fees shall be made payable to Stephen J. Schultz, but if the Department of
14 the Treasury determines that Stephen J. Schultz does not owe a federal debt, then
15 the government shall cause the payment of fees, expenses and costs to be made
16 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment
17 executed by Stephen J. Schultz.¹ Any payments made shall be delivered to Cyrus
18 Safa.

19 This stipulation constitutes a compromise settlement of Stephen J. Schultz's
20 request for EAJA attorney fees, and does not constitute an admission of liability on
21 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
22 shall constitute a complete release from, and bar to, any and all claims that Stephen
23
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 J. Schultz and/or Cyrus Safa including Law Offices of Lawrence D. Rohlring may
2 have relating to EAJA attorney fees in connection with this action.

3 This award is without prejudice to the rights of Cyrus Safa and/or the Law
4 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: May 1, 2020

Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLRING

8 /s/ *Cyrus Safa*

9 BY: _____

Cyrus Safa

10 Attorney for plaintiff Stephen J. Schultz

11 DATE: May 1, 2020

12 NICHOLAS A. TRUTANICH

13 United States Attorney

14 /s/ *Asim Modi*

15 _____
ASIM MODI

16 Special Assistant United States Attorney
17 Attorneys for Defendant ANDREW SAUL,
Commissioner of Social Security
18 (Per e-mail authorization)

19
20 IT IS SO ORDERED

21
22 DATE: 5/5/2020

23 
24 THE HONORABLE BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of May 1, 2020, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Mr. Stephen J. Schultz
867 N. Lamb Blvd. #144
Las Vegas, NV 89110

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Cyrus Safa
TYPE OR PRINT NAME

/s/ Cyrus Safa _____
SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:19-CV-00096-BNW**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on May 4, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Cyrus Safa

Cyrus Safa
Attorneys for Plaintiff